IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18676 of 2004

Between:

M. Krishna S/o Ramaiah, aged 36 years, Conductor,
R/o Kudakuda Mandal, Chivvamla Nalgonda District

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Bus Depot, Suryapet, Nalgonda District
2 The Depot Manager APSRTC., Bus Depot, Kadada, Nalgodna District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of writ of Certiorari, and quash the impugned proc. No. 02/62/DS (6)/92 SRPT dt 22-05-1992 as arbitrary, unjust in violation of Art. 14,16 & 21 of the Constitution of India and also in violation of Reg. 12(2) of C.C. & A Reg. of APSRTC 1967 and consequently direct the respondents to restore the deferred increment along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following:

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ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He was charged for an irregularity in collecting fare and issuing tickets to the passengers. He submitted his explanation. The 2nd respondent passed an order on 22.05.1992 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of
one year, which shall have effect on future increments of the petitioner.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the 2nd respondent is illegal and to direct the respondents to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the 2nd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of
one year without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increments on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Bus Depot, Suryapet, Nalgonda District

2. The Depot Manager, APSRTC,

Bus Depot, Kodada, Nalgonda District

3. Two CD copies.